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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,079	09/16/2002	Toshio Kawai	20.002-AG	2619

29453 7590 06-17/2004

JUDGE PATENT FIRM
RIVIERE SHUKUGAWA 3RD FL.
3-1 WAKAMATSU-CHO
NISHINOMIYA-SHI, HYOGO, 662-0035
JAPAN

EXAMINER

HECKENBERG JR, DONALD H

ART UNIT	PAPER NUMBER
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1722

DATE MAILED: 06/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/065,079

Applicant(s)

KAWAI, TOSHIO

Examiner

Donald Heckenberg

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3 is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☒ Claim(s) 1, 2, and 4-8 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 September 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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1. Acknowledgment is made of Applicant's claim for foreign priority based on an application filed in Japan on November 15, 2001. It is noted, however, that Applicant has not filed a certified copy of the Japanese application as required by 35 U.S.C. 119(b).

2. A substitute specification is required pursuant to 37 CFR 1.125(a) because the current specification contains numerous misspellings and grammatical errors. For example, the sentence at ¶ 4, ll. 12-15 reads: "The mold-release defect, which spreads mottled-like on the impressed face of the disk, is referred to as clouding due to its nebulous, white-/black-dotted appearancelook and disks defective in outlook nce are not shipped out but disposed of." As another example, ¶ 6, ll. 6-9 reads: "bit for the most part molten-resin temperatures are generally 300 to 400°C; die temperatures 80 to 1. . In this connection, stampers are made with nickel plate as a base material, and nickel's therdiffusivity mal (coefficient of thermal diffusion) per unit time is fairly large (0.085 m²).". It appears as though there were errors in transmitting or printing the specification. In any event, a substitute specification is required correcting the numerous spellings and grammer.

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A substitute specification filed under 37 CFR 1.125(a) must only contain subject matter from the original specification and any previously entered amendment under 37 CFR 1.121. If the substitute specification contains additional subject matter not of record, the substitute specification must be filed under 37 CFR 1.125(b) and (c).

A new abstract is also required because line 2 recites "the mold is op,ened" which should apparently read "the mold is opened."

3. Claims 1-2 and 4-8 are objected to because of the following informalities:

Claim 1, line 6 recites "the diffusivityrma1" which should apparently read "thermal diffusivity."

Claim 4, line 6 recites "coated on sid molding surface" which should apparently read "on said molding surface."

Claim 5, line 3 recites "therdiffusivity mal" which should apparently read "thermal diffusivity."

Claim 6, line 3 recites "therdiffusivity mal" which should apparently read "thermal diffusivity."

Claim 7, line 3 recites "therdiffusivity mal" which should apparently read "thermal diffusivity."

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Claim 8, line 3 recites "therdiffusivity mal" which should apparently read "thermal diffusivity."

Appropriate correction is required.

4. Claims 3 is allowed. Claims 1, 2, and 4-8 are allowable except for the objections to the claims noted above.

5. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record fails to teach or suggest an optical-disk stamper wherein the molding surface, including bumps, is formed of a synthetic polymer whose thermal diffusivity is $0.01 \text{ m}^2/\text{h}$ or less as defined in claims 1 and 3, or a synthetic polymer coating layer on the molding surface having such a thermal diffusivity as defined in claim 4. The closest prior art is disclosed by Sano (U.S. Pat. No. 6,706,465). Sano discloses stampers, with one embodiment specifying the stamper to have a thermal diffusivity greater than $0.0012 \text{ m}^2/\text{h}$ (cl. 19, ll. 43-55). However, the only materials noted for constructing the stamper in this embodiment are metals (cl. 19, ll. 53-55). Moreover, in another embodiment, Sano discloses metal stampers, specifying that the stampers should have a thermal diffusivity of not smaller than $0.01 \text{ m}^2/\text{h}$ (cl. 20, ll. 31-58). Sano thus

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does not teach or suggest a synthetic polymer stamper with a thermal diffusivity of $0.01 \text{ m}^2/\text{h}$ or less.

6. The following references are cited as being related to the instant application. Note though, none of the reference teach or suggest any of the features of the instant claims indicated allowable above.

Okazaki (U.S. Pat. No. 4,723,903) discloses a conventional stamper.

Kerfled (U.S. Pat. No. 6,345,827) discloses a stamper manufacturing process.


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald Heckenberg whose telephone number is (571) 272-1131. The examiner can normally be reached on Monday through Friday from 9:30 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker, can be reached at (571) 272-1151. The official fax phone number for

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the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <<<http://pair-direct.uspto.gov>>>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).



Donald Heckenberg
June 2, 2004